

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JESUS MANUEL ROJAS,

Defendant.

Case No. 3:21-cr-00020-MMD-CSD

ORDER

Defendant Jesus Manuel Rojas faces a charge of bank robbery. (ECF No. 1.) The parties filed a signed plea agreement in this case on April 12, 2022. (ECF No. 38.) On May 2, 2022, the Court held a change of plea hearing. The Court observed Mr. Rojas' affect and behavior and noted concern about his competence to proceed. (See ECF No. 42.) These concerns did not subside as a result of further hearings, and so the Court subsequently referred the matter of Mr. Rojas' competency to United States Magistrate Judge Craig S. Denney. (ECF No. 50.) Before the Court is Judge Denney's report and recommendation ("R&R" or "Recommendation") that Mr. Rojas is not currently competent for this case to proceed against him, in which Judge Denney also recommends that Mr. Rojas be hospitalized and treated until either his mental condition improves such that he attains capacity or the pending charge is disposed of according to law, whichever comes first. (ECF No. 64.) While objections to the R&R were due

1 December 29, 2022 (*see id.*), none have been filed as of the date of entry of this order.
2 As the Court does not find that Judge Denney clearly erred in the R&R, and as further
3 explained below, the Court will accept and adopt the R&R in full.

4 Because there is no objection, the Court need not conduct *de novo* review, and
5 is satisfied Judge Denney did not clearly err. *See United States v. Reyna-Tapia*, 328
6 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings
7 and recommendations is required if, but *only* if, one or both parties file objections to
8 the findings and recommendations.”) (emphasis in original). Here, Judge Denney
9 primarily recommends that Mr. Rojas be treated until he obtains the requisite capacity
10 based on the testimony of an expert, two other expert reports, and his observations in
11 court of Mr. Rojas, which tend to align with the Court’s prior observations of Mr. Rojas
12 in other hearings. (ECF No. 64 at 8-10.) The Court agrees with Judge Denney. Having
13 reviewed the R&R and the record in this case, the Court will adopt the R&R in full.

14 It is therefore ordered that Judge Denney’s Report and Recommendation (ECF
15 No. 64) is accepted and adopted in full.

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1 It is further ordered that, pursuant to 18 U.S.C. § 4241(d), Mr. Rojas is
2 committed the custody of the Attorney General, who must hospitalize Mr. Rojas in a
3 suitable Bureau of Prisons medical center for such a reasonable period of time, not to
4 exceed four months, as is necessary to determine whether there is a substantial
5 probability that in the foreseeable future Defendant will attain the capacity to permit the
6 proceedings to go forward, and for an additional reasonable period of time until: (1) his
7 mental condition is so improved that trial may proceed, if the Court finds that there is a
8 substantial probability that, within such additional period of time, he will attain the
9 capacity to permit the proceedings to go forward; or (2) the pending charges against
10 him are disposed of according to law; whichever is earlier.

11 DATED THIS 19th Day of January 2023.

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written over a horizontal line.

MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE